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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

04-1323, -1487

ARTHROCARE CORPORATION,

Plaintiff/Counterclaim Defendant-Appellee,

and

ETHICON, INC.,

Counterclaim Defendant-Appellee,

v.

SMITH & NEPHEW, INC.,

Defendant/Counterclaimant-Appellant.

**ORDER**

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United States Court of Appeals for the Federal Circuit

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JUL 11 2005

O R D E R

A combined petition for panel rehearing and for rehearing en banc having been filed by the APPELLEE,\* and the petition for rehearing having been referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc having been referred to the circuit judges who are in regular active service,

UPON CONSIDERATION THEREOF, it is

ORDERED that the petition for panel rehearing be, and the same hereby is, DENIED and it is further

ORDERED that the petition for rehearing en banc be, and the same hereby is, DENIED.

The mandate of the court will issue on July 12, 2005.

FOR THE COURT,

*Jan Horbaly*  
Jan Horbaly  
Clerk

Dated: July 5, 2005

cc: Ruffin B. Cordell  
Jared Bobrow, Vicki Margolis

FILED  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

JUL - 5 2005

JAN HORBALY  
CLERK

ARTHROCARE V SMITH & NEPHEW, 04-1323, -1487  
(DCT - 01-CV-504)

\* Filed by ArthroCare Corporation.

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\*  
\* Note: Pursuant to Fed. Cir. R. 47.6, this order is not  
\* citable as precedent. It is a public record.  
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